

Last revised 8/1/15

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW JERSEY**

IN RE: Elsie J. Palombi

(Debtor)

CASE NO.: 14-35250

JUDGE: _____

CHAPTER: 13

CHAPTER 13 PLAN AND MOTIONS

____ Original XX Modified/ Notice Required X Discharge Sought

____ Motion Included ____ Modified/No Notice ____ No Discharge Sought
Required

Date: _____

THE DEBTOR HAS FILED FOR RELIEF UNDER CHAPTER 13
OF THE BANKRUPTCY CODE.

YOUR RIGHTS WILL BE AFFECTED.

You should have received from the court a separate Notice of the Hearing on Confirmation of Plan, which contains the date of the confirmation hearing on the Plan proposed by the Debtor. This document is the actual Plan proposed by the Debtor to adjust debts. You should read these papers carefully and discuss them with your attorney. Anyone who wishes to oppose any provision of this Plan or any motion included in it must file a written objection within the time frame stated in the Notice. **This Plan may be confirmed and become binding, and included motions may be granted without further notice or hearing, unless written objection is filed before the deadline stated in the Notice.**

**YOU SHOULD FILE A PROOF OF CLAIM BY THE DEADLINE STATED
IN THE NOTICE TO RECEIVE DISTRIBUTIONS UNDER ANY PLAN
THAT MAY BE CONFIRMED, EVEN IF THE PLAN REFERS TO YOUR CLAIM**

PART 1. PAYMENT AND LENGTH OF PLAN

a. The Debtor shall pay \$18595.00 through July 2016 and then 1466.00 per month for 39 months to the Chapter 13 Trustee, starting on _____ for approximately 60 months.

b. The Debtor shall make plan payments to the Trustee from the following sources:

____ Future Earnings

____ Other sources of funding (describe source, amount and date when funds are available) _____

- c. _____ Use of real property to satisfy plan obligations:
- _____ Sale following assets _____ on or before _____
- _____ Refinance following assets _____ on or before _____
- _____ Loan Modification with respect to mortgage encumbering the
following property _____ on or before _____
- d. _____ The regular monthly mortgage payments will continue pending the sale,
refinance or loan modification
- e. _____ Other information that may be important relating to the payment and
length of the plan.

PART 2. ADEQUATE PROTECTION

- a. Adequate protection payments will be made in the amount of \$_____ to be paid to
the Chapter 13 Trustee and disbursed pre-confirmation to _____ (creditor).
- b. Adequate protection payments will be made in the amount of \$_____ to be
paid directly by the debtor outside, pre-confirmation to _____ (creditor).

Part 3. PRIORITY CLAIMS (INCLUDING ADMINISTRATIVE EXPENSES)

All allowed priority claims will be paid in full unless the creditor agrees otherwise:

<u>Creditor</u>	<u>Type of Priority</u>	<u>Amount to be Paid</u>
The Law Office of Peter E. Zimnis, Esquire	Administrative	per ct orders
Albert Russo, Trustee	Administrative	\$
IRS	Priority	\$887.76

PART 4. SECURED CLAIMS

a. Curing Default and Maintaining Payments

The Debtor shall pay to the Trustee (as part of the Plan) allowed claims for arrearages on
monthly obligations and the Debtor shall pay directly to the creditor (outside the Plan) monthly
obligations due after the bankruptcy filing as follows:

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<u>Creditor</u>	<u>Collateral or Type of Debt</u>	<u>Arrearage</u>	<u>Interest Rate on Arrearage</u>	<u>Amount to be Paid to Creditor (In Plan)</u>	<u>Regular Monthly Payment (Outside Plan)</u>
<u>Wells Fargo</u>	<u>House</u>	<u>\$54650.03</u>		<u>\$54650.03</u>	<u>Debtor to maintain post petition payments on all secured debts listed in this subsection</u>
<u>GM Financial/ Americredit</u>	<u>Car – Kia</u>	<u>\$2369.60 + 350.00</u>		<u>\$2369.60 + 350.00</u>	

b. Modification

- 1.) The Debtor values collateral as indicated below. If the claim may be modified under Section 1322(b)(2), the secured creditor shall be paid the amount listed as the “Value of the Creditor Interest in Collateral” plus interest as stated. The portion of any allowed claim that exceeds that value shall be treated as an unsecured claim. If a secured claim is identified as having “NO VALUE” it shall be treated as an unsecured claim.

NOTE: A modification under this section ALSO REQUIRE the appropriate motion to be filed under Section 7 of the Plan

<u>Creditor</u>	<u>Collateral</u>	<u>Scheduled Debt</u>	<u>Total Collateral Value</u>	<u>Superior Liens</u>	<u>Value of Creditor Interest in Collateral</u>	<u>Annual Interest Rate</u>	<u>Total Amount to Be Paid</u>

- 2.) Where the Debtor retains collateral and completes the Plan, payment of the full amount of the allowed secured claim shall discharge the corresponding lien.

c. Surrender

Upon confirmation, the stay is terminated as to surrendered collateral. The Debtor surrenders the following collateral:

<u>Creditor</u>	<u>Collateral to be Surrendered</u>	<u>Value of Surrendered Collateral</u>	<u>Remaining Unsecured Debt</u>
Westgate Resorts POC-6	Timeshare	Unknown	Unknown
Westgate Resorts POC-5	Timeshare	Unknown	Unknown
Westgate Trm Ctr POC-4	HOA – Timeshare	Unknown	Unknown
Chase	Tundra	Unknown	Unknown

d. Secured Claims Unaffected by the Plan

The following secured claims are unaffected by the Plan: _____

e. Secured Claims to be paid in full through the plan:

<u>Creditor</u>	<u>Collateral</u>	<u>Total Amount to be paid through the plan</u>	

Part 5. **UNSECURED CLAIMS**

a. **Not separately classified** Allowed non-priority unsecured claims shall be paid:

_____ Not less than \$ _____ to be distributed *pro rata*

_____ Not less than _____ percent

X Pro rata distribution from any remaining funds

b. **Separately Classified Unsecured Claims** shall be treated as follows:

<u>Creditor</u>	<u>Basis for Separate Classification</u>	<u>Treatment</u>	<u>Amount to be Paid</u>

PART 6. **EXECUTORY CONTRACTS AND UNEXPIRED LEASES**

All executory contracts and unexpired leases are rejected, **except** the following, which are **assumed**:

<u>Creditor</u>	<u>Nature of Contract or Lease</u>	<u>Treatment by Debtor</u>

PART 7. **MOTIONS**

NOTE: All plans containing motions must be served on all potentially affected creditors, together with a Chapter 13 Plan Transmittal Letter, within the time and in the manner set forth in D.N.J. LBR 3015-1. A Proof of Service must be filed with the Clerk of Court when the Plan and Transmittal Letter are served

Where a motion to avoid liens or partially avoid liens has been filed in the plan, a proof of claim filed that asserts a secured claim that is greater than the amount to be paid in the plan serves as opposition to the motion, and serves as an objection to confirmation. The proof of claim shall be served in accordance with D.N.J. LBR 3015-6(a). The creditor shall file a proof of service prior to the scheduled confirmation hearing. In order to prosecute the objection, the creditor must appear at the confirmation hearing, which shall be the hearing on the motion. Failure to appear to prosecute the objection may result in the motion being granted and the plan confirmed pursuant to the terms as set forth in the plan.

a. **Motion to Avoid Liens under 11 U.S.C. Section 522(f).**

The Debtor moves to avoid the following liens that impair exemptions:

<u>Creditor</u>	<u>Nature of Collateral</u>	<u>Type of Lien</u>	<u>Amount of Lien</u>	<u>Value of Collateral</u>	<u>Amount of Claimed Exemption</u>	<u>Sum of All Other Liens Against the Property</u>	<u>Amount of Lien to be Avoided</u>

b. Motion to Void Liens and Reclassify Claim from Secured to Completely Unsecured.

The Debtor moves to reclassify the following claims as unsecured and to void liens on collateral consistent with Part 4 above:

<u>Creditor</u>	<u>Collateral</u>	<u>Amount of Lien to be Reclassified</u>

c. Motion to Partially Void Liens and Reclassify Underlying Claims as Partially Secured and Partially Unsecured.

The Debtor moves to reclassify the following claims as partially secured and partially unsecured, and to void liens on collateral consistent with Part 4 above:

<u>Creditor</u>	<u>Collateral</u>	<u>Amount to be Deemed Secured</u>	<u>Amount to be Reclassified as Unsecured</u>

PART 8. OTHER PLAN PROVISIONS

a. Vesting of Property of the Estate

 X Upon Confirmation

 Upon Discharge

b. Payment Notices

Creditors and Lessors provided for in Sections 4, 6 or 7 may continue to mail customary notices or coupons to the Debtor notwithstanding the automatic stay.

c. Order of Distribution

The Trustee shall pay allowed claims in the following order:

- 1) Trustee Commissions/Debtor's counsel
- 2) DSO (if applicable)
- 3) Secured Claims
- 4) Priority claims

5) General Unsecured claims

d. Post-petition claims

The Trustee _____ is X is not authorized to pay post-petition claims filed pursuant to 11 U.S.C. Section 1305(a) in the amount filed by the post-petition claimant.

PART 9. MODIFICATION

If this plan modifies a plan previously filed in this case, complete the information below.

Date of plan being modified: _____

Explain below why the plan is being modified to surrender the Tundra _____

Explain below how the plan is being modified Chase is moved from part 4b to 4c. _____
plan payment is adjusted. _____

Are schedules I and J being filed simultaneously with this plan? _____ yes X no

PART 10 SIGN HERE

The Law Office of Peter E. Zimnis

Date _____ /s/ John A. Zimnis
Attorney for the Debtor

I hereby certify under penalty of perjury that the foregoing is true and correct.

Date _____ /s/ Elsie J. Palombi
Debtor

Date _____ /s/
Joint Debtor (if any)

Certificate of Notice Page 7 of 8
 United States Bankruptcy Court
 District of New Jersey

In re:
 Elsie Joy Palombi
 Debtor

Case No. 14-35250-KCF
 Chapter 13

CERTIFICATE OF NOTICE

District/off: 0312-3

User: admin
 Form ID: pdf901

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 Total Noticed: 22

Date Rcvd: Aug 09, 2016

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Aug 11, 2016.

db +Elsie Joy Palombi, 2278 Klockner Road, Hamilton, NJ 08690-3406
 cr +Americredit Financial Services, Inc., d/b/a GM Fin, 4000 Embarcadero Dr.,
 Arlington, TX 76014-4101
 515230828 #+A-1 Collection, Re: RWJ, 101 Grovers Mill Rd, Lawrenceville, NJ 08648-4706
 515230829 ++AMERICREDIT FINANCIAL SERVICES DBA GM FINANCIAL, PO BOX 183853, ARLINGTON TX 76096-3853
 (address filed with court: Americredit, 4000 Embarcadero, Arlington, TX 76014)
 515267362 +AmeriCredit Financial Services, Inc. dba GM Financ, P O Box 183853,
 Arlington, TX 76096-3853
 515230830 +Chase Bank USA, 800 Brookside Blvd, Westerville, OH 43081-2822
 515230831 +Fingerhut/Meta Bank, 11 McLeland Road, Saint Cloud, MN 56395-0001
 515230832 +GM Financial, PO Box 181145, Arlington, TX 76096-1145
 515335426 JPMorgan Chase Bank, N.A., National Bankruptcy Department, P.O. BOX 901032,
 Ft. Worth, TX 76101-2032
 515230834 +John Morton, Esq., Re: GM Financial, 110 Marter Avenue, Suite 301,
 Moorestown, NJ 08057-3124
 515230835 +Marie Rizzo, 69 Spring Garden Street, 2nd floor, Re: SC 1065-13,
 Riverside, NJ 08075-3641
 515230837 +RWJ at Hamilton, PO Box 48025, Newark, NJ 07101-4825
 515230838 +Wells Fargo, PO Box 11701, Newark, NJ 07101-4701
 515447727 +Wells Fargo Bank, N.A., c/o Zucker Goldberg & Ackerman, 200 Sheffied Street, Suite 301,
 Mountainside, NJ 07092-2315
 515450025 +Wells Fargo Bank, N.A., ATTN: Bankruptcy Dept., MAC# D3347-014, 3476 Stateview Blvd.,
 Fort Mill, SC 29715-7203
 515230839 +Westgate Resorts Orlando, 2801 Old Winter Garden Rd, Ocoee, FL 34761-2965
 515230840 +Zucker Goldberg & Ackerman, Re: Wells Fargo, PO Box 1024, Mountainside, NJ 07092-0024

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.
 smg E-mail/Text: usanj.njbankr@usdoj.gov Aug 09 2016 23:32:21 U.S. Attorney, 970 Broad St.,
 Room 502, Rodino Federal Bldg., Newark, NJ 07102-2534

smg +E-mail/Text: ustpreregion03.ne.ecf@usdoj.gov Aug 09 2016 23:32:18 United States Trustee,
 Office of the United States Trustee, 1085 Raymond Blvd., One Newark Center, Suite 2100,
 Newark, NJ 07102-5235
 515230833 E-mail/Text: cio.bncmail@irs.gov Aug 09 2016 23:31:58 IRS Insolvency Function, PO Box 724,
 Springfield, NJ 07081
 515336612 E-mail/Text: bk.notifications@jpmchase.com Aug 09 2016 23:32:09 JPMorgan Chase Bank, N.A.,
 National Bankruptcy Department, P.O. Box 29505 AZ1-1191, Phoenix, AZ 85038-9505
 515230836 +E-mail/Text: egssupportservices@egscorp.com Aug 09 2016 23:32:32 NCO Financial Systems,
 Re: Progressive Ins, 507 Prudential Road, Horsham, PA 19044-2308

TOTAL: 5

***** BYPASSED RECIPIENTS (undeliverable, * duplicate) *****

515268938* +Americredit Financial Services Inc. dba GM Financ., P O Box 183853,
 Arlington, TX 76096-3853
 515252899* Internal Revenue Service, P.O. Box 7346, Philadelphia, PA 19101-7346

TOTALS: 0, * 2, ## 0

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP.
 USPS regulations require that automation-compatible mail display the correct ZIP.

Transmission times for electronic delivery are Eastern Time zone.

Addresses marked '++' were redirected to the recipient's preferred mailing address
 pursuant to 11 U.S.C. 342(f)/Fed.R.Bank.PR.2002(g)(4).

Addresses marked '#' were identified by the USPS National Change of Address system as requiring an update.
 While the notice was still deliverable, the notice recipient was advised to update its address with the court
 immediately.

I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Aug 11, 2016

Signature: /s/Joseph Speetjens

District/off: 0312-3

User: admin
Form ID: pdf901

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Total Noticed: 22

Date Rcvd: Aug 09, 2016

CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on August 8, 2016 at the address(es) listed below:

Albert Russo on behalf of Trustee Albert Russo docs@russotrustee.com
Albert Russo docs@russotrustee.com
Albert Russo (NA) on behalf of Trustee Albert Russo docs@russotrustee.com
Andrew L. Spivack on behalf of Creditor WELLS FARGO BANK, N.A. nj.bkecf@fedphe.com
Denise E. Carlon on behalf of Creditor Wells Fargo Bank, N.A.
bankruptcynotice@zuckergoldberg.com, bkgroup@kmlawgroup.com
John Zimnis on behalf of Debtor Elsie Joy Palombi njbankruptcylaw@aol.com.
John Philip Schneider on behalf of Creditor WELLS FARGO BANK, N.A. nj.bkecf@fedphe.com
John R. Morton, Jr. on behalf of Creditor Americredit Financial Services, Inc., d/b/a GM
Financial mortonlaw.bcraig@verizon.net, donnal@mortoncraig.com/mhazlett@mortoncraig.com
TOTAL: 8